

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA, ) CASE NO. 4:02-CR-203-A  
 )  
Government, )  
 ) FORT WORTH, TEXAS  
VERSUS )  
 ) FEBRUARY 14, 2013  
WILLIAM RAY HAVNER, III (03), )  
 )  
Defendant. ) 2:04 P.M.

VOLUME 1 OF 1  
TRANSCRIPT OF REVOCATION HEARING  
BEFORE THE HONORABLE JOHN McBRYDE  
UNITED STATES DISTRICT COURT JUDGE

**A P P E A R A N C E S:**

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1	<u>I N D E X</u>	
2	<u>PROCEEDING</u>	<u>PAGE</u>
3	Defendant's plea of true.....	11
4	Court's Findings.....	11
5	<u>TESTIMONY OF WILLIAM RAY HAVNER, III</u>	
6	Direct Examination by Mr. Biggs.....	11
7	<u>STATEMENTS ON SENTENCING</u>	
8	By Ms. Alicia Reames Furtick.....	15
9	By Mr. Biggs.....	18
10	By the Defendant.....	19
11	Sentence of the Court.....	20
12	Objection to Sentence.....	24
13	Reporter's Certificate.....	24
14	Word Index.....	25
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

**P R O C E E D I N G S**

February 14, 2013 - 2:04 p.m.

*COURT SECURITY OFFICER:* All rise.

Hear ye, hear ye, hear ye, the United States District Court for the Northern District of Texas at Fort Worth is now in session, the Honorable John McBryde presiding.

Let us pray. God bless these United States and this Honorable Court. Amen.

Be seated.

*THE COURT:* Good afternoon.

*ALL PRESENT:* Afternoon, Your Honor.

*THE COURT:* Okay. We have two hearings on motions to revoke supervised release, and I'll start with Number 4:02-CR-203-A. It's United States of America versus William Ray Havner, III.

And Mr. Gulde is here for the Government, and Ms. Thompson is here with him for the probation office, and Mr. Biggs is here for the defendant.

Why don't you and your client come up to the microphone, Mr. Biggs.

Mr. Havner, what is your full name?

*THE DEFENDANT:* It's William Ray Havner, III.

*THE COURT:* Okay. Mr. Biggs, did you and your client receive in a timely manner the Motion to Revoke Term of Supervised Release that was filed February 5 and the

1 Post-Crime Bill Supervised Release Violation Report?

2 MR. BIGGS: Yes, Your Honor.

3 THE COURT: Okay. And did both of you read those  
4 items and then discuss them with each other?

5 MR. BIGGS: Yes, Your Honor.

6 THE COURT: And does your client plan to admit to  
7 the truthfulness of any of the allegations in the Motion to  
8 Revoke?

9 MR. BIGGS: Yes, Your Honor. He plans to plead true  
10 to both of the allegations.

11 THE COURT: Okay. Mr. Havner, your attorney has  
12 indicated that you plan to admit that the allegations in the  
13 Motion to Revoke Term of Supervised Release are correct.

14 Is that your intention?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And have you read this Motion to Revoke  
17 over very carefully so you know everything it says?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And did you discuss it with Mr. Biggs so  
20 that you would know the legal meaning of the things in it?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: And did you understand what he told you?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Do you understand that if you admit that  
25 everything in that Motion to Revoke Term of Supervised Release

1 is true, that the Court will find you violated your conditions  
2 of supervised release in each of the respects alleged in the  
3 motion?

4 *THE DEFENDANT:* Yes, Your Honor.

5 *THE COURT:* And do you understand that if you make  
6 such an admission, your -- you will be subject to having your  
7 terms and conditions of supervised release revoked and having  
8 punishment imposed on you for violating them?

9 *THE DEFENDANT:* Yes, Your Honor.

10 *THE COURT:* And do you understand that if you make  
11 such an admission, you'll be subjecting yourself to punishment  
12 in the term -- in the form of a term of imprisonment of 3  
13 years as to Count 1, and 5 years as to Count 2, and those  
14 could be made to run consecutively for a total of 8 years?

15 Do you understand that?

16 *MR. BIGGS:* Your Honor, if I may interject, I  
17 believe that these figures are not precisely accurate. It's,  
18 I believe, 3 years minus 7 months for the first revocation  
19 sentence, and 5 years minus 7 months for Count 2, based on the  
20 fact that this offense arose prior to the Protect Act where  
21 the supervised release statute was amended, so I believe that  
22 has to be deducted out of the available custody.

23 *THE COURT:* You mean from his prior revocation?

24 *MR. BIGGS:* Yes. I believe that the length of  
25 sentences on the prior revocations must be deducted from the

1 available statutory maximum custody, and that would, in fact,  
2 be the statutory maximum at that point.

3 *THE COURT:* Let's see. Is that what he got on the  
4 first revocation, 7 months on each count?

5 *MR. BIGGS:* Yes, Your Honor.

6 *THE COURT:* Well, you might have to help me on this,  
7 Ms. Thompson.

8 What is your thought on what he just said?

9 *PROBATION:* Your Honor, I believe -- this is not a  
10 Protect Act case. It was just prior to that. And when I  
11 originally calculated it, I calculated it at 36 months for  
12 that type felony, and 60 months on the other.

13 However, my supervisor, who is also here in court,  
14 indicated to me that that had changed, and that I needed to  
15 change that to 60 months on that grade felony. So I'm not  
16 sure exactly of the dates that that changed, but originally it  
17 was 36 on his first count, and 60 on his second.

18 *THE COURT:* Okay. And he's saying that he thinks  
19 that you ought to reduce each of those by the 7 months that he  
20 received by way of punishment on his first revocation.

21 *PROBATION:* That's correct.

22 *THE COURT:* And what's your thought on that?

23 *PROBATION:* Generally, we take the 60 months minus  
24 the previous revocation calculation, which would have been the  
25 custody sentence on that, and we deduct that.

1           THE COURT: Okay. Well, let me change that. I -- I  
2 don't think I'm going to take the time to do my independent  
3 research on it, but apparently both of you agree.

4           The maximum penalty, as I understand what the  
5 defendant and the -- the defendant's attorney and the  
6 probation officer are now saying would be, as to Count 1, 3  
7 years minus 7 months, which looks like it would be 29 months;  
8 and as to Count 2, would be 5 years minus 7 months, which  
9 looks like it would be 53 months.

10           Is that what you're contending, Mr. Biggs?

11           MR. BIGGS: Yes, Your Honor.

12           THE COURT: Okay. Well, I'm going to change what  
13 I've told you then, Mr. Havner. I'm going to accept what your  
14 attorney said as accurate, and that is, if you plead true to  
15 the allegations in the Motion to Revoke Term of Supervised  
16 Release, you're subjecting yourself to imprisonment as  
17 punishment in the term of 29 months as to Count 1, and 53  
18 months as to Count 2, and those could be made to run  
19 consecutively for a total of 82 months.

20           And as to you -- you also would be subject to  
21 further supervised release, and that could be -- let's see.  
22 Looks to me like that could be 53 months per count, but, of  
23 course, they would run concurrently.

24           Now, you understand you're subjecting yourself to  
25 all of those penalties and punishments, if you admit to the

1 truthfulness of the allegations in the Motion to Revoke?

2 *THE DEFENDANT:* Yes, Your Honor.

3 *THE COURT:* Let me get some more personal  
4 information about you. It hadn't been too long when you were  
5 here before and I got personal information. That was in  
6 December of 2011, been just a little over a year ago, but let  
7 me bring you up to date.

8 Are you now under the care of a physician or  
9 psychiatrist for anything?

10 *THE DEFENDANT:* Yes, sir. Yes, Your Honor.

11 *THE COURT:* What is that for?

12 *THE DEFENDANT:* For bipolar. Well, it's not really  
13 in care of a physician. I do have a psychologist that I go  
14 to, or I've seen a psychologist since I've been out. I'm not  
15 in care of one, no.

16 *THE COURT:* Who is it you've been -- who is it  
17 you've seen?

18 *THE DEFENDANT:* It was a lady that worked at MHMR  
19 under -- she works for Dallas Metro.

20 *THE COURT:* MHMR, Mental Health Mental Retardation?

21 *THE DEFENDANT:* Yes, sir.

22 *THE COURT:* How many times did you see her?

23 *THE DEFENDANT:* I've seen her twice.

24 *THE COURT:* And when did you last see her?

25 *THE DEFENDANT:* The last time I saw her was in



1 November.

2 *THE COURT:* Of 2012?

3 *THE DEFENDANT:* Yes, sir.

4 *THE COURT:* Okay. Are you taking -- what's the  
5 condition you say you're seeing her for?

6 *THE DEFENDANT:* Bipolar, bipolar disorder.

7 *THE COURT:* Okay. And have you -- have you taken  
8 any medication for that?

9 *THE DEFENDANT:* Yes, Your Honor, I have.

10 *THE COURT:* When did you last take that?

11 *THE DEFENDANT:* My last medication was three weeks  
12 ago.

13 *THE COURT:* Okay. And does that medication or your  
14 bipolar condition interfere with your ability to reason or  
15 make decisions?

16 *THE DEFENDANT:* Yes, sir, a little bit.

17 *THE COURT:* How does it do that? Does it make it  
18 better or worse?

19 *THE DEFENDANT:* Worse, if I'm not taking my  
20 medication.

21 *THE COURT:* Pardon?

22 *THE DEFENDANT:* Worse, if I'm not taking my  
23 medication.

24 *THE COURT:* No, I say, does the fact that you do  
25 take the medication, when you're taking it.

1           THE DEFENDANT: Oh, oh, no, sir. It makes me  
2 better, yes, sir.

3           THE COURT: Okay. Do you have any reason to think  
4 you're not of sound mind now, where you know exactly what  
5 you're doing?

6           THE DEFENDANT: No, sir. I know what I'm doing,  
7 yes, sir.

8           THE COURT: Okay. Do you -- you're not under the  
9 influence of alcohol or any kind of drug now, are you?

10          THE DEFENDANT: No, Your Honor.

11          THE COURT: Okay. Do you have any reason to think,  
12 Mr. Biggs, that your client's not fully competent to admit to  
13 the truthfulness of the allegations in the Motion to Revoke?

14          MR. BIGGS: No, Your Honor.

15          THE COURT: Or that such an admission would not be a  
16 knowing and voluntary and intelligent admission?

17          MR. BIGGS: No, Your Honor.

18          THE COURT: Okay. Well, I'm going to -- I find that  
19 the defendant is fully competent to admit to the truthfulness  
20 of the allegations in the Motion to Revoke Term of Supervised  
21 Release, and I find that if he makes such an admission, it  
22 would be a knowing, voluntary, and intelligent one.

23          So I'll ask you directly, Mr. Havner: Do you admit  
24 that everything this Motion to Revoke Term of Supervised  
25 Release says is true?

1           *THE DEFENDANT:* Yes, Your Honor.

2           *THE COURT:* Okay. Well, I'll accept that admission.  
3 I find that everything in the Motion to Revoke Term of  
4 Supervised Release, everything it says is true, and I find  
5 that the defendant violated his conditions of supervised  
6 release in each of the respects alleged in the motion, and  
7 that he's subject to revocation by virtue of that.

8           Do you want to say anything on the subject of  
9 whether there should be a revocation, Mr. Biggs?

10          *MR. BIGGS:* Yes, Your Honor, and I would actually  
11 like to offer some evidence on that issue.

12          *THE COURT:* Okay. What would you like to offer?

13          *MR. BIGGS:* Your Honor, I would like to call  
14 Mr. Havner to the stand.

15          *THE COURT:* Okay. Raise your right hand,  
16 Mr. Havner.

17                 (Witness sworn)

18          *THE COURT:* Okay. Come up and be seated.

19                 Okay. You may proceed.

20                         **WILLIAM RAY HAVNER, III,**  
21 having been first duly sworn, testified as follows:

22                                 **DIRECT EXAMINATION**

23 **BY MR. BIGGS:**

24 Q.           Would you please state your name for the record.

25 A.           William Ray Havner, III.

1 Q. And we're here today to determine whether your  
2 supervised release should be revoked; isn't that true?

3 A. Yes, sir.

4 Q. And you just pled true to failing to report to the  
5 Salvation Army Inpatient Program; is that right?

6 A. Yes, sir.

7 Q. Mr. Havner, we spoke a few days ago; is that right?

8 A. Yes.

9 Q. And earlier today?

10 A. Yes.

11 Q. And did you communicate to me your belief that Judge  
12 McBryde did not -- basically that he -- that you were of the  
13 belief that he did not want you to go to the Salvation Army?

14 A. Well, it wasn't so much -- true, true on that, but I  
15 knew I was going to have to do a 90-day inpatient program. I  
16 just thought that we discussed that I wouldn't have to do it  
17 at the Salvation Army.

18 Q. And that was -- that was how you -- is that based on  
19 your recollection of the revocation hearing?

20 A. Yes. I mean, that was wholeheartedly -- that was my  
21 whole belief, yes, yes, sir.

22 Q. And did you speak to the probation officer about that  
23 belief?

24 A. Yes, sir.

25 Q. And did -- earlier today, did I give you a copy of

1 the transcript from the prior revocation hearing?

2 A. Yes.

3 Q. And does it indicate -- does the Judge -- does the  
4 Court indicate that he didn't want you to go to the Salvation  
5 Army?

6 A. No. I was -- I was mistaken.

7 Q. And wasn't the -- basically the -- a good portion of  
8 the revocation hearing contemplating the prospect of you  
9 attending the Salvation Army program; is that right?

10 A. Correct. When -- when Judge McBryde and Mr. Mercer  
11 were, yeah, when they talked about that, yes, sir.

12 Q. And was that -- was that your mistake?

13 A. Yes, sir. I thought 100 percent that the whole  
14 theory of it was that I would have to do a 90-day inpatient  
15 program. I was aware of that, and I was willing to do that.  
16 It's just I didn't know that it would have to be the Salvation  
17 Army. I thought it would be another place, other than the  
18 Salvation Army.

19 Q. Are you prepared to participate in the Salvation Army  
20 program?

21 A. Yes, sir, 100 percent. I'll give it my 110 percent.

22 Q. And are you going to comply with all of the  
23 requirements, if you are given the opportunity to go and  
24 participate in the Salvation Army program?

25 A. Yes, sir, if given the opportunity, yes.

1 Q. And do you realize that whether you were of the  
2 belief or not that the Judge had said you didn't have to go to  
3 the Salvation Army, you didn't really go about it in the right  
4 way, did you?

5 A. No, sir.

6 Q. What assurance can you give the Judge and the  
7 probation officer that you are going to comply with your  
8 conditions and go and attend that Salvation Army program?

9 A. All I have is my word. I mean, I've got too much to  
10 lose. It's not really too much to lose, but I'm ready. I'm  
11 ready to get out. I'm ready to start making a living, you  
12 know. I'm ready to start living. If I get locked up again,  
13 by the time I get out, I'm going to be old. You know what I  
14 mean? Relatively, I'm getting older. I need to start making  
15 a living sometime. I can't do that. I can't begin a life if  
16 I keep -- if I keep continuing what I'm doing. It's  
17 just -- I'm ready. I'm ready to comply. I'm ready to start  
18 living. I'm ready.

19 MR. BIGGS: Pass the witness, Your Honor.

20 THE COURT: Okay. Do you have any questions you  
21 want to ask him?

22 MR. GULDE: I have no questions, Your Honor.

23 THE COURT: Okay. You can step down.

24 Do you have anything else you want to present by way  
25 of evidence?

1           MR. BIGGS: Yes, Your Honor. I have a witness who  
2 would like to come up and make a statement to the Court.

3           THE COURT: You want her to just come to the  
4 microphone and make a statement, or do you want her to state  
5 some facts that the Court should take into account? If so,  
6 she would need to be sworn as a witness.

7           MR. BIGGS: Your Honor, I would like her just to  
8 come to the microphone and make a statement.

9           THE COURT: Okay. That's fine.

10          MR. BIGGS: Your Honor, I'm calling Alicia Furtick.

11          THE COURT: Okay. Why don't you state your name for  
12 the record and the city you live in.

13          MS. ALICIA FURTICK: Yes, sir. My name is Alicia  
14 Reames Furtick, and I live in Grand Prairie, Texas.

15          THE COURT: Okay. You can make whatever statement  
16 you would like to make on behalf of the defendant.

17          MS. ALICIA FURTICK: I'm going to read it from a  
18 prepared letter that I had written because --

19          THE COURT: Okay. That's fine.

20          MS. ALICIA FURTICK: Dear Honorable Judge McBryde:

21               My name is Alicia Reames Furtick. I'm the  
22 girlfriend of Mr. William Ray Havner, III.

23               I met Mr. Havner in October 2012 upon his release  
24 from Pollock into the VOA halfway house. My then fiancé at  
25 the time and myself had been friends with his cousin for

1 several years, and I did everything possible to provide  
2 Mr. Havner with toiletries and clothing upon his release.  
3 Mr. Havner and I became close friends over time through  
4 numerous conversations, both in person and over the phone.

5           Upon his release from the VOA halfway house,  
6 Mr. Havner began helping me at my home with extensive  
7 remodeling tasks. My then fiancé at the time was very abusive  
8 mentally, emotionally, verbally, and physically. On many  
9 occasions, Mr. Havner would step in and prevent him from  
10 hurting me.

11           In December of 2012, Mr. Havner assisted me in  
12 finally removing him completely from my home and my life, as  
13 well as saving me from a very violent attack. Mr. Havner  
14 remained close by my side from that point forward and this  
15 facilitated a relationship and love that was very strong.

16           We had been discussing our future together and how  
17 excited we were about everything from cooking meals together  
18 to making the house our home. Mr. Havner expressed numerous  
19 times how happy he was to start a new life with me and how  
20 deeply he loved me. He also stated that nothing in this world  
21 could ever make him want to go back to his old life of  
22 confinement where his hopes and dreams of love and happiness  
23 would be crushed.

24           Mr. Havner is a very fair, kind, loving,  
25 affectionate, and benevolent soul. He's very family-oriented,



1 and I have yet to see anyone that's come into his acquaintance  
2 and didn't completely adore him from that point forward. He's  
3 an extremely hard worker and is very dedicated and  
4 compassionate in all he endeavors.

5 Please consider these things when passing judgment  
6 upon him. Please consider our deep growing relationship and  
7 the love and the life we've planned ahead of us. Mr. Havner  
8 will be living with me in my home upon his release, if  
9 granted.

10 I was born and raised in this home, and I purchased  
11 it from my father's estate three years ago after his death.  
12 I'm deeply rooted in my community, and Mr. Havner has quickly  
13 become a welcome face with my friends, family, and neighbors.

14 Confinement is not what Mr. Havner needs. He needs  
15 help to remain free from all his past demons and help  
16 building a life full of love and happiness with people that  
17 will be there for him, supporting him all the way. If he is  
18 given a chance to begin his new life with me by his side, he  
19 will make sure your gift of freedom is glorified in all his  
20 actions.

21 I love Tripp (phonetic) with all my heart and soul.  
22 After all I've been through the past few years, I can't  
23 imagine another day without him by my side. He brings a love  
24 and joy into my life that I've never experienced. Please do  
25 not deny us of that love and joy. He is my true soulmate.

1 Thank you.

2 *THE COURT:* Okay. Thank you.

3 Okay. You can come back to the microphone with your  
4 client, Mr. Biggs.

5 Do you have anything else you wish to offer by way  
6 of evidence or a statement? You can make whatever statement  
7 you would like to make now on behalf of your client,  
8 Mr. Biggs.

9 *MR. BIGGS:* Your Honor, this is the second time I've  
10 represented Mr. Havner, and some of the remarks I made at the  
11 first revocation hearing I think are appropriate here.

12 *THE COURT:* They were effective the last time.

13 *MR. BIGGS:* And Mr. Havner, for a very long time,  
14 did very well on supervised release, and he fell down into a  
15 hole and the Court showed him some leniency and he -- gave him  
16 an opportunity to do an inpatient program.

17 I believe Mr. Havner was interested in doing an  
18 inpatient program. For whatever reason, he has reservations  
19 about the Salvation Army program, and was, in fact, under a  
20 mistaken belief that the Court did not want him to do or did  
21 not require him to do the Salvation Army program.

22 He was definitely mistaken on that point, and  
23 regardless of whether he was mistaken or not on that point, he  
24 didn't go about -- he didn't go about, in the right way,  
25 addressing that issue with his probation officer.

1           He's prepared to go and do the program. He's  
2 committed to doing it. And as I said before, he's shown that  
3 he's capable, for a long period of time, of doing well on  
4 supervised release, and I would submit to the Court that this  
5 is an opportunity that he won't mess up this time.

6           And if the Court does need to impose a sentence of  
7 imprisonment, I would suggest a modest sentence of  
8 imprisonment. Perhaps 3 months, the equivalent to the 90-day  
9 program he should have done for the Salvation Army, will let  
10 him think about taking things more seriously. And then, from  
11 that point, going into the Salvation Army treatment program  
12 and showing you that he can succeed and fulfill the Court's  
13 obligations.

14           It is an opportunity. He does want to take  
15 advantage of it, and I know he's very sorry for what he's  
16 done, and I'm sure he'll say that again to echo some of the  
17 sentiments he's already expressed to the Court. That's all I  
18 have.

19           *THE COURT:* Okay. Mr. Havner, you have the right to  
20 make any statement or presentation you would like to make on  
21 the subject of mitigation, that is, the things you think the  
22 Court should take into account in determining what sentence to  
23 impose, or on the subject of sentencing more generally, and at  
24 this time I'll invite you to do that.

25           *THE DEFENDANT:* I'm just -- I would like to say, I

1 really, really apologize. I mean, it was a huge mistake on my  
2 part in not knowing -- I mean, I was fully intending on  
3 wanting to do the 90-day inpatient program. In fact, I had  
4 asked for any other 90-day inpatient program that they could  
5 offer, other than the Salvation Army.

6 Like I said, I was -- I was hugely mistaken when I  
7 had thought that we said that I wouldn't have to go upon my  
8 release and -- but I'm willing to go now, Your Honor. I'm  
9 ready. I want to get this started. I want to start living my  
10 life, again, like I said.

11 I mean, I'm just -- just asking for mercy, Your  
12 Honor. That's -- I don't know what else to say. I made a  
13 mistake. I don't know.

14 *THE COURT:* Anything else?

15 *THE DEFENDANT:* And I'm sorry, Your Honor.

16 *THE COURT:* Well, we went down this road before.  
17 You had violated your conditions of supervised release in  
18 several respects the last time around, including use and  
19 possession of methamphetamine.

20 And you, at that time, failed to successfully  
21 participate in an inpatient abuse program at the Salvation  
22 Army, so you had, as one of your violations before, that lead  
23 to your conditions and terms of supervised release being  
24 revoked, the same problem you have here. You just don't want  
25 to abide by the rules apparently.

1           And you might remember that I went out of my way to  
2     give you a very low sentence the last time you were here,  
3     based on your assurance to me that you would you participate  
4     in the inpatient drug abuse treatment program. And then  
5     when it came time for you to do what you promised me you would  
6     do, you came up with this cock-and-bull story about me telling  
7     you, you didn't have to. There's absolutely nothing in the  
8     record that would justify any thought like that on your part,  
9     so I think I've accurately described it as a cock-and-bull  
10    story.

11           I've concluded that in order to meet the objectives  
12    of sentencing or punishment, as applicable to a revocation  
13    case, the factors the Court should consider in deciding on the  
14    punishment in a revocation case that a sentence -- I've  
15    considered, by the way, the policy statement ranges for each  
16    count of 3 to 9 months, and that doesn't adequately address  
17    your conduct, your disrespect for the law, and the  
18    likelihood that you will continue to engage in disrespectful  
19    activities of the law and engage in conduct that you shouldn't  
20    engage in.

21           So I've concluded that an appropriate sentence would  
22    be 17 months as to each count, to run consecutively, for a  
23    total of 34 months.

24           Now, I've got some misgivings as to whether the  
25    Government ought to spend anymore money trying to supervise

1 you, but maybe I haven't given up all hope on you because I'm  
2 going to impose a term of supervised release when you get out  
3 of prison of 24 months as to each of the counts, and they will  
4 run concurrently, so the total term of supervised release will  
5 be 24 months.

6 Now, the conditions of that supervised release will  
7 be the same conditions that were in your judgment of  
8 revocation and sentence that I signed in this case on  
9 December 16, 2011. And, of course, that includes the  
10 participation in the inpatient program -- by the way, is he  
11 current on his restitution payments?

12 *PROBATION:* No, Your Honor. No.

13 *THE COURT:* Pardon?

14 *PROBATION:* No, sir.

15 *THE DEFENDANT:* It's paid off.

16 *PROBATION:* Huh?

17 *THE DEFENDANT:* It's paid off.

18 *PROBATION:* Oh, I'm sorry.

19 *THE DEFENDANT:* I've paid it off.

20 *PROBATION:* You know what, I have it right here, and  
21 it's been paid off. I was looking at something else earlier,  
22 Your Honor. Because it was joint and several, it has been  
23 paid off in full.

24 *THE COURT:* Others have paid on it?

25 *THE DEFENDANT:* No, I have.

1           *PROBATION:* He paid some on it, yes.

2           *THE COURT:* Okay. But it's paid off?

3           *PROBATION:* But it's been resolved through the  
4 clerk's office, joint and several.

5           *THE COURT:* Okay. Then we'll leave out special  
6 condition of supervision number 4 that was in that judgment of  
7 revocation and sentence that I signed December 16, 2011, and  
8 that's the condition that had to do with making payment on any  
9 unpaid balance of the supervised release.

10           Okay. I've concluded that a sentence of the kind  
11 I've imposed is an appropriate sentence that adequately  
12 addresses all of the factors that the Court should consider  
13 under 18 United States Code Section 3553(a) in a revocation  
14 context. Of course, there's some of the -- some parts of that  
15 statute are not applicable in a revocation.

16           Mr. Havner, you have the right to appeal from the  
17 sentence I've imposed, if you're dissatisfied with it. That  
18 appeal would be to the United States Court of Appeals for the  
19 Fifth Circuit.

20           You have the right to appeal in forma pauperis, that  
21 means without any cost to you, if you qualify for it. You  
22 have the right to have the clerk of court file a notice of  
23 appeal for you, and the clerk would do that forthwith, if you  
24 were to specifically request it.

25           Okay. The defendant's remanded to custody and the

1 attorneys are excused.

2 MR. BIGGS: Your Honor, I would object to the  
3 sentence as unreasonable.

4 (End of Proceedings)

5 **REPORTER'S CERTIFICATE**

6 I, Debra G. Saenz, CSR, RMR, CRR, certify that the  
7 foregoing is a true and correct transcript from the record  
8 of proceedings in the foregoing entitled matter.

9 I further certify that the transcript fees format  
10 comply with those prescribed by the Court and the Judicial  
11 Conference of the United States.

12 Signed this 1st day of April, 2013.

13

14 /s/ Debra G. Saenz

15 DEBRA G. SAENZ, CSR, RMR, CRR  
16 Texas CSR No. 3158  
17 Official Court Reporter  
The Northern District of Texas  
Fort Worth Division

18

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/	abuse [2] 20/21 21/4	attend [1] 14/8
/s [1] 24/14	abusive [1] 16/7	attending [1] 13/9
0	accept [2] 7/13 11/2	attorney [3] 4/11 7/5 7/14
03 [1] 1/7	account [2] 15/5 19/22	attorneys [1] 24/1
1	accurate [2] 5/17 7/14	available [2] 5/22 6/1
100 percent [2] 13/13 13/21	accurately [1] 21/9	aware [1] 13/15
10th [2] 1/21 24/20	acquaintance [1] 17/1	<b>B</b>
11 [3] 2/3 2/4 2/6	Act [2] 5/20 6/10	back [2] 16/21 18/3
110 percent [1] 13/21	actions [1] 17/20	balance [1] 23/9
12/31/13 [1] 24/19	activities [1] 21/19	based [3] 5/19 12/18 21/3
13 [1] 24/19	actually [1] 11/10	basically [2] 12/12 13/7
14 [2] 1/6 3/2	address [3] 21/16 24/20 24/23	be [31]
15 [1] 2/8	addresses [1] 23/12	be -- let's [1] 7/21
16 [2] 22/9 23/7	addressing [1] 18/25	became [1] 16/3
17 [1] 21/22	adequately [2] 21/16 23/11	because [3] 15/18 22/1 22/22
1700 [1] 1/15	admission [6] 5/6 5/11 10/15 10/16	become [1] 17/13
18 [2] 2/9 23/13	10/21 11/2	been [12] 6/24 8/4 8/6 8/14 8/16 11/21
19 [1] 2/10	admit [7] 4/6 4/12 4/24 7/25 10/12 10/19	15/25 16/16 17/22 22/21 22/22 23/3
1st [1] 24/12	10/23	before [5] 1/11 8/5 19/2 20/16 20/22
2	adore [1] 17/2	began [1] 16/6
20 [1] 2/11	advantage [1] 19/15	begin [2] 14/15 17/18
2011 [3] 8/6 22/9 23/7	affectionate [1] 16/25	behalf [2] 15/16 18/7
2012 [3] 9/2 15/23 16/11	after [2] 17/11 17/22	being [1] 20/23
2013 [3] 1/6 3/2 24/12	afternoon [2] 3/10 3/11	belief [6] 12/11 12/13 12/21 12/23 14/2
24 [4] 2/12 2/13 22/3 22/5	again [3] 14/12 19/16 20/10	18/20
25 [1] 2/14	ago [4] 8/6 9/12 12/7 17/11	believe [6] 5/17 5/18 5/21 5/24 6/9
29 [2] 7/7 7/17	agree [1] 7/3	18/17
2:04 [2] 1/8 3/2	ahead [1] 17/7	believe -- this [1] 6/9
3	alcohol [1] 10/9	benevolent [1] 16/25
3158 [1] 24/15	Alicia [4] 2/8 15/10 15/13 15/21	better [2] 9/18 10/2
34 [1] 21/23	all [13] 3/3 7/25 13/22 14/9 17/4 17/15	BIGGS [13] 1/17 2/6 2/9 3/18 3/20 3/23
3553 [1] 23/13	17/17 17/19 17/21 17/22 19/17 22/1	4/19 7/10 10/12 11/9 11/23 18/4 18/8
36 [2] 6/11 6/17	23/12	Bill [1] 4/1
4	allegations [7] 4/7 4/10 4/12 7/15 8/1	bipolar [4] 8/12 9/6 9/6 9/14
424 [2] 1/21 24/20	10/13 10/20	bit [1] 9/16
4:02-CR-203-A [2] 1/4 3/14	alleged [2] 5/2 11/6	bless [1] 3/7
5	already [1] 19/17	born [1] 17/10
501 [2] 1/21 24/20	also [3] 6/13 7/20 16/20	both [4] 4/3 4/10 7/3 16/4
53 [3] 7/9 7/17 7/22	Amen [1] 3/8	bring [1] 8/7
6	amended [1] 5/21	brings [1] 17/23
60 [4] 6/12 6/15 6/17 6/23	AMERICA [2] 1/4 3/14	building [1] 17/16
6882 [1] 1/16	another [2] 13/17 17/23	bull [2] 21/6 21/9
7	any [11] 4/7 9/8 10/3 10/9 10/11 14/20	Business [1] 24/20
76102 [3] 1/19 1/22 24/20	19/20 20/4 21/8 23/8 23/21	<b>C</b>
76102-6882 [1] 1/16	anymore [1] 21/25	calculated [2] 6/11 6/11
8	anyone [1] 17/1	calculation [1] 6/24
801 [1] 1/15	anything [5] 8/9 11/8 14/24 18/5 20/14	call [1] 11/13
817.252.5200 [1] 1/16	apologize [1] 20/1	calling [1] 15/10
817.850.6661 [2] 1/22 24/22	apparently [2] 7/3 20/25	came [2] 21/5 21/6
817.978.2753 [1] 1/20	appeal [4] 23/16 23/18 23/20 23/23	can [6] 14/6 14/23 15/15 18/3 18/6
819 [1] 1/19	Appeals [1] 23/18	19/12
82 [1] 7/19	applicable [2] 21/12 23/15	can't [3] 14/15 14/15 17/22
9	appropriate [3] 18/11 21/21 23/11	capable [1] 19/3
90-day [5] 12/15 13/14 19/8 20/3 20/4	April [1] 24/12	care [3] 8/8 8/13 8/15
9A10 [1] 1/19	are [13] 4/13 5/17 7/6 8/8 9/4 10/9	carefully [1] 4/17
<b>A</b>	13/19 13/22 13/23 14/7 18/11 23/15	case [5] 1/4 6/10 21/13 21/14 22/8
abide [1] 20/25	24/1	Certificate [2] 2/13 24/5
ability [1] 9/14	Army [17] 12/5 12/13 12/17 13/5 13/9	certify [2] 24/6 24/9
about [10] 8/4 12/22 13/11 14/3 16/17	13/17 13/18 13/19 13/24 14/3 14/8	chance [1] 17/18
18/19 18/24 18/24 19/10 21/6	18/19 18/21 19/9 19/11 20/5 20/22	change [3] 6/15 7/1 7/12
about -- he [1] 18/24	arose [1] 5/20	changed [2] 6/14 6/16
absolutely [1] 21/7	around [1] 20/18	Cherry [1] 1/15
	as [22] 5/13 5/13 7/4 7/6 7/8 7/14 7/16	Circuit [1] 23/19
	7/17 7/18 7/20 11/21 15/6 16/12 16/13	city [1] 15/12
	19/2 20/22 21/9 21/12 21/22 21/24 22/3	clerk [2] 23/22 23/23
	24/3	clerk's [1] 23/4
	ask [2] 10/23 14/21	client [5] 3/19 3/24 4/6 18/4 18/7
	asked [1] 20/4	client's [1] 10/12
	asking [1] 20/11	close [2] 16/3 16/14
	ASSISTANT [1] 1/18	clothing [1] 16/2
	assisted [1] 16/11	cock [2] 21/6 21/9
	assurance [2] 14/6 21/3	
	attack [1] 16/13	

C	cock-and-bull [2] 21/6 21/9 Code [1] 23/13 come [7] 3/19 11/18 15/2 15/3 15/8 17/1 18/3 committed [1] 19/2 communicate [1] 12/11 community [1] 17/12 compassionate [1] 17/4 competent [2] 10/12 10/19 completely [2] 16/12 17/2 comply [4] 13/22 14/7 14/17 24/10 computer [1] 1/25 concluded [3] 21/11 21/21 23/10 concurrently [2] 7/23 22/4 condition [4] 9/5 9/14 23/6 23/8 conditions [8] 5/1 5/7 11/5 14/8 20/17 20/23 22/6 22/7 conduct [2] 21/17 21/19 Conference [1] 24/11 confinement [2] 16/22 17/14 consecutively [3] 5/14 7/19 21/22 consider [4] 17/5 17/6 21/13 23/12 considered [1] 21/15 contemplating [1] 13/8 contending [1] 7/10 context [1] 23/14 continue [1] 21/18 continuing [1] 14/16 conversations [1] 16/4 cooking [1] 16/17 copy [1] 12/25 correct [4] 4/13 6/21 13/10 24/7 cost [1] 23/21 could [6] 5/14 7/18 7/21 7/22 16/21 20/4 count [12] 5/13 5/13 5/19 6/4 6/17 7/6 7/8 7/17 7/18 7/22 21/16 21/22 counts [1] 22/3 course [3] 7/23 22/9 23/14 court [23] 1/1 1/11 1/21 2/11 3/5 3/8 5/1 6/13 13/4 15/2 15/5 18/15 18/20 19/4 19/6 19/17 19/22 21/13 23/12 23/18 23/22 24/10 24/16 Court's [2] 2/4 19/12 cousin [1] 15/25 CR [2] 1/4 3/14 Crime [1] 4/1 CRR [3] 1/21 24/6 24/15 crushed [1] 16/23 CSR [5] 1/21 24/6 24/15 24/15 24/19 current [1] 22/11 custody [4] 5/22 6/1 6/25 23/25	deeply [2] 16/20 17/12 defendant [8] 1/8 1/17 2/10 3/18 7/5 10/19 11/5 15/16 defendant's [3] 2/3 7/5 23/25 DEFENDER [1] 1/18 definitely [1] 18/22 demons [1] 17/15 deny [1] 17/25 DEPARTMENT [1] 1/14 described [1] 21/9 determine [1] 12/1 determining [1] 19/22 did [18] 3/23 4/3 4/19 4/22 8/22 8/24 9/10 12/11 12/12 12/13 12/22 12/25 12/25 14/4 16/1 18/14 18/20 18/20 didn't [8] 13/4 13/16 14/2 14/3 17/2 18/24 18/24 21/7 Direct [2] 2/6 11/22 directly [1] 10/23 discuss [2] 4/4 4/19 discussed [1] 12/16 discussing [1] 16/16 disorder [1] 9/6 disrespect [1] 21/17 disrespectful [1] 21/18 dissatisfied [1] 23/17 DISTRICT [8] 1/1 1/2 1/11 1/15 1/18 3/5 3/5 24/16 DIVISION [2] 1/3 24/17 do [34] does [10] 4/6 9/13 9/17 9/17 9/24 13/3 13/3 13/3 19/6 19/14 doesn't [1] 21/16 doing [6] 10/5 10/6 14/16 18/17 19/2 19/3 don't [6] 3/19 7/2 15/11 20/12 20/13 20/24 done [2] 19/9 19/16 down [3] 14/23 18/14 20/16 dreams [1] 16/22 drug [2] 10/9 21/4 duly [1] 11/21	facilitated [1] 16/15 fact [5] 5/20 6/1 9/24 18/19 20/3 factors [2] 21/13 23/12 facts [1] 15/5 failed [1] 20/20 failing [1] 12/4 fair [1] 16/24 family [2] 16/25 17/13 family-oriented [1] 16/25 father's [1] 17/11 FEBRUARY [3] 1/6 3/2 3/25 February 5 [1] 3/25 FEDERAL [1] 1/18 fees [1] 24/9 fell [1] 18/14 felony [2] 6/12 6/15 few [2] 12/7 17/22 fiance [2] 15/24 16/7 Fifth [1] 23/19 figures [1] 5/17 file [1] 23/22 filed [1] 3/25 finally [1] 16/12 find [5] 5/1 10/18 10/21 11/3 11/4 Findings [1] 2/4 fine [2] 15/9 15/19 first [6] 5/18 6/4 6/17 6/20 11/21 18/11 follows [1] 11/21 foregoing [2] 24/7 24/8 form [1] 5/12 forma [1] 23/20 format [1] 24/9 FORT [8] 1/3 1/5 1/16 1/19 1/22 3/5 24/17 24/20 forthwith [1] 23/23 forward [2] 16/14 17/2 free [1] 17/15 freedom [1] 17/19 friends [3] 15/25 16/3 17/13 fulfill [1] 19/12 full [3] 3/21 17/16 22/23 fully [3] 10/12 10/19 20/2 further [2] 7/21 24/9 Furtick [4] 2/8 15/10 15/14 15/21 future [1] 16/16
D	Dallas [1] 8/19 date [1] 8/7 dates [1] 6/16 day [7] 12/15 13/14 17/23 19/8 20/3 20/4 24/12 days [1] 12/7 Dear [1] 15/20 death [1] 17/11 debbie.saenz [2] 1/23 24/23 DEBRA [4] 1/21 24/6 24/14 24/15 December [4] 8/6 16/11 22/9 23/7 December 16 [2] 22/9 23/7 deciding [1] 21/13 decisions [1] 9/15 dedicated [1] 17/3 deduct [1] 6/25 deducted [2] 5/22 5/25 deep [1] 17/6	E E-Mail [2] 1/23 24/23 each [8] 4/4 5/2 6/4 6/19 11/6 21/15 21/22 22/3 earlier [3] 12/9 12/25 22/21 echo [1] 19/16 effective [1] 18/12 else [5] 14/24 18/5 20/12 20/14 22/21 emotionally [1] 16/8 End [1] 24/4 endeavors [1] 17/4 engage [3] 21/18 21/19 21/20 entitled [1] 24/8 equivalent [1] 19/8 estate [1] 17/11 ever [1] 16/21 everything [7] 4/17 4/25 10/24 11/3 11/4 16/1 16/17 evidence [3] 11/11 14/25 18/6 exactly [2] 6/16 10/4 Examination [2] 2/6 11/22 excited [1] 16/17 excused [1] 24/1 experienced [1] 17/24 Expires [1] 24/19 expressed [2] 16/18 19/17 extensive [1] 16/6 extremely [1] 17/3	G gave [1] 18/15 generally [2] 6/23 19/23 get [6] 8/3 14/11 14/12 14/13 20/9 22/2 getting [1] 14/14 gift [1] 17/19 girlfriend [1] 15/22 give [4] 12/25 13/21 14/6 21/2 given [4] 13/23 13/25 17/18 22/1 glorified [1] 17/19 go [13] 8/13 12/13 13/4 13/23 14/2 14/3 14/8 16/21 18/24 18/24 19/1 20/7 20/8 God [1] 3/7 going [11] 7/2 7/12 7/13 10/18 12/15 13/22 14/7 14/13 15/17 19/11 22/2 good [2] 3/10 13/7 got [4] 6/3 8/5 14/9 21/24 Government [4] 1/5 1/14 3/16 21/25 grade [1] 6/15 Grand [1] 15/14 granted [1] 17/9 growing [1] 17/6 GULDE [2] 1/14 3/16
	F face [1] 17/13	H had [10] 6/14 14/2 15/18 15/25 16/16 20/3 20/7 20/17 20/22 23/8	

<b>H</b>	information [2] 8/4 8/5 inpatient [10] 12/5 12/15 13/14 18/16 18/18 20/3 20/4 20/21 21/4 22/10 intelligent [2] 10/16 10/22 intending [1] 20/2 intention [1] 4/14 interested [1] 18/17 interfere [1] 9/14 interject [1] 5/16 invite [1] 19/24 is [39] isn't [1] 12/2 issue [2] 11/11 18/25 it [46] it's [12] 3/14 3/22 5/17 8/12 13/16 14/10 14/16 22/15 22/17 22/21 23/2 23/3 items [1] 4/4	lose [2] 14/10 14/10 love [7] 16/15 16/22 17/7 17/16 17/21 17/23 17/25 loved [1] 16/20 loving [1] 16/24 low [1] 21/2
hadn't [1] 8/4 halfway [2] 15/24 16/5 hand [1] 11/15 happiness [2] 16/22 17/16 happy [1] 16/19 hard [1] 17/3 has [5] 4/11 5/22 17/12 18/18 22/22 have [35] haven't [1] 22/1 having [3] 5/6 5/7 11/21 HAVNER [31] he [32] he -- gave [1] 18/15 he -- that [1] 12/12 he'll [1] 19/16 he's [11] 6/18 11/7 16/25 17/2 19/1 19/1 19/2 19/3 19/15 19/15 19/17 Health [1] 8/20 hear [3] 3/4 3/4 3/4 hearing [5] 1/10 12/19 13/1 13/8 18/11 hearings [1] 3/12 heart [1] 17/21 help [3] 6/6 17/15 17/15 helping [1] 16/6 her [7] 8/23 8/24 8/25 9/5 15/3 15/4 15/7 here [11] 3/16 3/17 3/18 6/13 8/5 8/22 12/1 18/11 20/24 21/2 22/20 him [15] 3/17 14/21 16/9 16/12 16/21 17/2 17/6 17/17 17/17 17/23 18/15 18/15 18/20 18/21 19/10 his [20] 5/23 6/17 6/17 6/20 11/5 15/23 15/25 16/2 16/5 16/21 16/22 17/1 17/8 17/11 17/15 17/18 17/18 17/19 18/25 22/11 hole [1] 18/15 home [5] 16/6 16/12 16/18 17/8 17/10 Honor [33] HONORABLE [4] 1/11 3/6 3/8 15/20 hope [1] 22/1 hopes [1] 16/22 house [3] 15/24 16/5 16/18 how [6] 8/22 9/17 12/18 16/16 16/19 16/19 However [1] 6/13 huge [1] 20/1 hugely [1] 20/6 Huh [1] 22/16 hurting [1] 16/10	<b>J</b> JOHN [2] 1/11 3/6 joint [2] 22/22 23/4 joy [2] 17/24 17/25 JUDGE [7] 1/11 12/11 13/3 13/10 14/2 14/6 15/20 Judge -- does [1] 13/3 judgment [3] 17/5 22/7 23/6 Judicial [1] 24/10 just [13] 6/8 6/10 8/6 12/4 12/16 13/16 14/17 15/3 15/7 19/25 20/11 20/11 20/24 just -- I [1] 19/25 just -- I'm [1] 14/17 just -- just [1] 20/11 JUSTICE [1] 1/14 justify [1] 21/8	<b>M</b> made [4] 5/14 7/18 18/10 20/12 Mail [2] 1/23 24/23 make [15] 5/5 5/10 9/15 9/17 15/2 15/4 15/8 15/15 15/16 16/21 17/19 18/6 18/7 19/20 19/20 makes [2] 10/1 10/21 making [4] 14/11 14/14 16/18 23/8 manner [1] 3/24 many [2] 8/22 16/8 matter [1] 24/8 MATTHEW [1] 1/14 maximum [3] 6/1 6/2 7/4 may [2] 5/16 11/19 maybe [1] 22/1 McBRYDE [5] 1/11 3/6 12/12 13/10 15/20 me [19] 6/6 6/14 7/1 7/22 8/3 8/7 10/1 12/11 16/6 16/10 16/11 16/13 16/19 16/20 17/8 17/18 21/3 21/5 21/6 meals [1] 16/17 mean [7] 5/23 12/20 14/9 14/14 20/1 20/2 20/11 meaning [1] 4/20 means [1] 23/21 mechanical [1] 1/24 medication [6] 9/8 9/11 9/13 9/20 9/23 9/25 meet [1] 21/11 Mental [2] 8/20 8/20 mentally [1] 16/8 Mercer [1] 13/10 mercy [1] 20/11 mess [1] 19/5 met [1] 15/23 methamphetamine [1] 20/19 Metro [1] 8/19 MHMR [2] 8/18 8/20 microphone [4] 3/20 15/4 15/8 18/3 might [2] 6/6 21/1 mind [1] 10/4 minus [5] 5/18 5/19 6/23 7/7 7/8 misgivings [1] 21/24 mistake [3] 13/12 20/1 20/13 mistaken [5] 13/6 18/20 18/22 18/23 20/6 mitigation [1] 19/21 modest [1] 19/7 money [1] 21/25 months [22] 5/18 5/19 6/4 6/11 6/12 6/15 6/19 6/23 7/7 7/7 7/8 7/9 7/17 7/18 7/19 7/22 19/8 21/16 21/22 21/23 22/3 22/5 more [3] 8/3 19/10 19/23 motion [13] 3/24 4/7 4/13 4/16 4/25 5/3 7/15 8/1 10/13 10/20 10/24 11/3 11/6 motions [1] 3/12 MR [5] 1/14 1/17 2/6 2/9 11/23 Mr. [36] Mr. Biggs [9] 3/18 3/20 3/23 4/19 7/10 10/12 11/9 18/4 18/8 Mr. Gulde [1] 3/16 Mr. Havner [24] 3/21 4/11 7/13 10/23 11/14 11/16 12/7 15/23 16/2 16/3 16/6 16/9 16/11 16/13 16/18 16/24 17/7 17/12 17/14 18/10 18/13 18/17 19/19
<b>I</b>	<b>K</b> keep [2] 14/16 14/16 keep -- if [1] 14/16 kind [3] 10/9 16/24 23/10 knew [1] 12/15 know [11] 4/17 4/20 10/4 10/6 13/16 14/12 14/13 19/15 20/12 20/13 22/20 knowing [3] 10/16 10/22 20/2 knowing -- I [1] 20/2	
I -- I [1] 7/1 I'll [5] 3/13 10/23 11/2 13/21 19/24 I'm [32] I've [17] 7/13 8/14 8/14 8/23 14/9 17/22 17/24 18/9 21/9 21/11 21/14 21/21 21/24 22/19 23/10 23/11 23/17 III [7] 1/7 2/5 3/15 3/22 11/20 11/25 15/22 imagine [1] 17/23 impose [3] 19/6 19/23 22/2 imposed [3] 5/8 23/11 23/17 imprisonment [4] 5/12 7/16 19/7 19/8 includes [1] 22/9 including [1] 20/18 independent [1] 7/2 Index [1] 2/14 indicate [2] 13/3 13/4 indicate -- does [1] 13/3 indicated [2] 4/12 6/14 influence [1] 10/9	<b>L</b> lady [1] 8/18 last [7] 8/24 8/25 9/10 9/11 18/12 20/18 21/2 law [2] 21/17 21/19 lead [1] 20/22 leave [1] 23/5 legal [1] 4/20 length [1] 5/24 leniency [1] 18/15 let [5] 3/7 7/1 8/3 8/6 19/9 let's [2] 6/3 7/21 letter [1] 15/18 life [9] 14/15 16/12 16/19 16/21 17/7 17/16 17/18 17/24 20/10 like [15] 7/7 7/9 7/22 11/11 11/12 11/13 15/2 15/7 15/16 18/7 19/20 19/25 20/6 20/10 21/8 likelihood [1] 21/18 little [2] 8/6 9/16 live [2] 15/12 15/14 living [6] 14/11 14/12 14/15 14/18 17/8 20/9 locked [1] 14/12 long [3] 8/4 18/13 19/3 looking [1] 22/21 looks [3] 7/7 7/9 7/22	

<p><b>M</b></p> <p>Mr. Hayner. [1] 23/16  Mr. Mercer [1] 13/10  Mr. William [1] 15/22  MS [2] 1/21 2/8  Ms. [2] 3/17 6/7  Ms. Thompson [2] 3/17 6/7  much [3] 12/14 14/9 14/10  much -- true [1] 12/14  must [1] 5/25  my [28]  myself [1] 15/25</p>	<p><b>P</b></p> <p>p.m. [2] 1/8 3/2  PAGE [1] 2/2  paid [8] 22/15 22/17 22/19 22/21 22/23  22/24 23/1 23/2  Pardon [2] 9/21 22/13  part [2] 20/2 21/8  participate [4] 13/19 13/24 20/21 21/3  participation [1] 22/10  parts [1] 23/14  Pass [1] 14/19  passing [1] 17/5  past [2] 17/15 17/22  pauperis [1] 23/20  payment [1] 23/8  payments [1] 22/11  penalties [1] 7/25  penalty [1] 7/4  people [1] 17/16  per [1] 7/22  percent [3] 13/13 13/21 13/21  Perhaps [1] 19/8  period [1] 19/3  person [1] 16/4  personal [2] 8/3 8/5  phone [1] 16/4  phonetic [1] 17/21  physically [1] 16/8  physician [2] 8/8 8/13  place [1] 13/17  plan [2] 4/6 4/12  planned [1] 17/7  plans [1] 4/9  plea [1] 2/3  plead [2] 4/9 7/14  please [4] 11/24 17/5 17/6 17/24  pled [1] 12/4  point [6] 6/2 16/14 17/2 18/22 18/23  19/11  policy [1] 21/15  Pollock [1] 15/24  portion [1] 13/7  possession [1] 20/19  possible [1] 16/1  Post [1] 4/1  Post-Crime [1] 4/1  Prairie [1] 15/14  pray [1] 3/7  precisely [1] 5/17  prepared [3] 13/19 15/18 19/1  prescribed [1] 24/10  present [1] 14/24  presentation [1] 19/20  presiding [1] 3/6  prevent [1] 16/9  previous [1] 6/24  prior [5] 5/20 5/23 5/25 6/10 13/1  prison [1] 22/3  probation [5] 3/17 7/6 12/22 14/7 18/25  problem [1] 20/24  proceed [1] 11/19  PROCEEDING [1] 2/2  proceedings [3] 1/24 24/4 24/8  produced [1] 1/25  program [18] 12/5 12/15 13/9 13/15  13/20 13/24 14/8 18/16 18/18 18/19  18/21 19/1 19/9 19/11 20/4 20/21 21/4  22/10  program -- by [1] 22/10  program. [1] 20/3  program. In [1] 20/3  promised [1] 21/5</p>	<p>prospect [1] 13/8  Protect [2] 5/20 6/10  provide [1] 16/1  psychiatrist [1] 8/9  psychologist [2] 8/13 8/14  PUBLIC [1] 1/18  punishment [6] 5/8 5/11 6/20 7/17 21/12  21/14  punishments [1] 7/25  purchased [1] 17/10</p>
<p><b>N</b></p> <p>name [5] 3/21 11/24 15/11 15/13 15/21  need [3] 14/14 15/6 19/6  needed [1] 6/14  needs [2] 17/14 17/14  neighbors [1] 17/13  never [1] 17/24  new [2] 16/19 17/18  no [16] 1/4 8/15 9/24 10/1 10/6 10/10  10/14 10/17 13/6 14/5 14/22 22/12  22/12 22/14 22/25 24/15  NORTHERN [5] 1/2 1/15 1/18 3/5 24/16  not [22] 5/17 6/9 6/15 8/12 8/14 9/19  9/22 10/4 10/8 10/12 10/15 12/12 12/13  14/2 14/10 17/14 17/25 18/20 18/21  18/23 20/2 23/15  not -- basically [1] 12/12  nothing [2] 16/20 21/7  notice [1] 23/22  November [1] 9/1  now [10] 3/6 7/6 7/24 8/8 10/4 10/9 18/7  20/8 21/24 22/6  number [2] 3/13 23/6  numerous [2] 16/4 16/18</p>	<p><b>O</b></p> <p>object [1] 24/2  Objection [1] 2/12  objectives [1] 21/11  obligations [1] 19/13  occasions [1] 16/9  October [1] 15/23  October 2012 [1] 15/23  off [6] 22/15 22/17 22/19 22/21 22/23  23/2  offense [1] 5/20  offer [4] 11/11 11/12 18/5 20/5  office [2] 3/17 23/4  officer [4] 7/6 12/22 14/7 18/25  Official [1] 24/16  oh [3] 10/1 10/1 22/18  Okay [31]  Okay. [1] 15/15  Okay. You [1] 15/15  old [2] 14/13 16/21  older [1] 14/14  one [3] 8/15 10/22 20/22  opportunity [5] 13/23 13/25 18/16 19/5  19/14  order [1] 21/11  oriented [1] 16/25  originally [2] 6/11 6/16  other [5] 4/4 6/12 13/17 20/4 20/5  Others [1] 22/24  ought [2] 6/19 21/25  our [3] 16/16 16/18 17/6  out [7] 5/22 8/14 14/11 14/13 21/1 22/2  23/5  over [4] 4/17 8/6 16/3 16/4</p>	<p><b>Q</b></p> <p>qualify [1] 23/21  questions [2] 14/20 14/22  quickly [1] 17/12</p> <p><b>R</b></p> <p>Raise [1] 11/15  raised [1] 17/10  ranges [1] 21/15  RAY [7] 1/7 2/5 3/15 3/22 11/20 11/25  15/22  read [3] 4/3 4/16 15/17  ready [9] 14/10 14/11 14/11 14/12  14/17 14/17 14/17 14/18 20/9  realize [1] 14/1  really [5] 8/12 14/3 14/10 20/1 20/1  Reames [3] 2/8 15/14 15/21  reason [4] 9/14 10/3 10/11 18/18  receive [1] 3/24  received [1] 6/20  recollection [1] 12/19  record [4] 11/24 15/12 21/8 24/7  reduce [1] 6/19  regardless [1] 18/23  relationship [2] 16/15 17/6  Relatively [1] 14/14  release [28]  remain [1] 17/15  remained [1] 16/14  remanded [1] 23/25  remarks [1] 18/10  remember [1] 21/1  remodeling [1] 16/7  removing [1] 16/12  report [2] 4/1 12/4  reported [1] 1/24  REPORTER [2] 1/21 24/16  Reporter's [2] 2/13 24/5  represented [1] 18/10  request [1] 23/24  require [1] 18/21  requirements [1] 13/23  research [1] 7/3  reservations [1] 18/18  resolved [1] 23/3  respects [3] 5/2 11/6 20/18  restitution [1] 22/11  Retardation [1] 8/20  revocation [18] 1/10 5/18 5/23 6/4 6/20  6/24 11/7 11/9 12/19 13/1 13/8 18/11  21/12 21/14 22/8 23/7 23/13 23/15  revocations [1] 5/25  revoke [12] 3/13 3/24 4/8 4/13 4/16 4/25  7/15 8/1 10/13 10/20 10/24 11/3  revoked [3] 5/7 12/2 20/24  right [11] 11/15 12/5 12/7 13/9 14/3  18/24 19/19 22/20 23/16 23/20 23/22  rise [1] 3/3  RMR [3] 1/21 24/6 24/15  road [1] 20/16  Room [3] 1/19 1/21 24/20  rooted [1] 17/12</p>



<b>R</b>	STATES [10] 1/1 1/4 1/11 1/14 3/4 3/7 3/14 23/13 23/18 24/11 statute [2] 5/21 23/15 statutory [2] 6/1 6/2 stenography [1] 1/24 step [2] 14/23 16/9 story [2] 21/6 21/10 Street [4] 1/15 1/19 1/21 24/20 strong [1] 16/15 subject [6] 5/6 7/20 11/7 11/8 19/21 19/23 subjecting [3] 5/11 7/16 7/24 submit [1] 19/4 succeed [1] 19/12 successfully [1] 20/20 such [4] 5/6 5/11 10/15 10/21 suggest [1] 19/7 Suite [1] 1/15 supervise [1] 21/25 supervised [23] 3/13 3/25 4/1 4/13 4/25 5/2 5/7 5/21 7/15 7/21 10/20 10/24 11/4 11/5 12/2 18/14 19/4 20/17 20/23 22/2 22/4 22/6 23/9 supervision [1] 23/6 supervisor [1] 6/13 supporting [1] 17/17 sure [3] 6/16 17/19 19/16 sworn [3] 11/17 11/21 15/6	Thompson [2] 3/17 6/7 those [6] 4/3 5/13 6/19 7/18 7/25 24/10 thought [7] 6/8 6/22 12/16 13/13 13/17 20/7 21/8 three [2] 9/11 17/11 through [3] 16/3 17/22 23/3 time [16] 7/2 8/25 14/13 15/25 16/3 16/7 18/9 18/12 18/13 19/3 19/5 19/24 20/18 20/20 21/2 21/5 timely [1] 3/24 times [2] 8/22 16/19 to -- I [1] 10/18 today [3] 12/1 12/9 12/25 together [2] 16/16 16/17 toiletries [1] 16/2 told [2] 4/22 7/13 too [3] 8/4 14/9 14/10 total [4] 5/14 7/19 21/23 22/4 transcript [5] 1/10 1/24 13/1 24/7 24/9 treatment [2] 19/11 21/4 Tripp [1] 17/21 true [12] 2/3 4/9 5/1 7/14 10/25 11/4 12/2 12/4 12/14 12/14 17/25 24/7 truthfulness [4] 4/7 8/1 10/13 10/19 trying [1] 21/25 twice [1] 8/23 two [1] 3/12 type [1] 6/12
<b>S</b>	<b>U</b>	
SAENZ [4] 1/21 24/6 24/14 24/15 said [7] 6/8 7/14 14/2 19/2 20/6 20/7 20/10 Salvation [17] 12/5 12/13 12/17 13/4 13/9 13/16 13/18 13/19 13/24 14/3 14/8 18/19 18/21 19/9 19/11 20/5 20/21 same [2] 20/24 22/7 saving [1] 16/13 saw [1] 8/25 say [6] 9/5 9/24 11/8 19/16 19/25 20/12 saying [2] 6/18 7/6 says [3] 4/17 10/25 11/4 seated [2] 3/9 11/18 second [2] 6/17 18/9 Section [1] 23/13 see [5] 6/3 7/21 8/22 8/24 17/1 seeing [1] 9/5 seen [3] 8/14 8/17 8/23 sentence [16] 2/11 2/12 5/19 6/25 19/6 19/7 19/22 21/2 21/14 21/21 22/8 23/7 23/10 23/11 23/17 24/3 sentence -- I've [1] 21/14 sentences [1] 5/25 sentencing [3] 2/7 19/23 21/12 sentiments [1] 19/17 seriously [1] 19/10 session [1] 3/6 several [4] 16/1 20/18 22/22 23/4 she [2] 8/19 15/6 should [7] 11/9 12/2 15/5 19/9 19/22 21/13 23/12 shouldn't [1] 21/19 showed [1] 18/15 showing [1] 19/12 shown [1] 19/2 side [3] 16/14 17/18 17/23 signed [3] 22/8 23/7 24/12 since [1] 8/14 sir [21] 4/15 4/18 8/10 8/21 9/3 9/16 10/1 10/2 10/6 10/7 12/3 12/6 12/21 12/24 13/11 13/13 13/21 13/25 14/5 15/13 22/14 so [11] 4/17 4/19 5/21 6/15 10/23 12/14 15/5 20/22 21/9 21/21 22/4 some [10] 8/3 11/11 15/5 18/10 18/15 19/16 21/24 23/1 23/14 23/14 some of [1] 23/14 something [1] 22/21 sometime [1] 14/15 sorry [3] 19/15 20/15 22/18 soul [2] 16/25 17/21 soulmate [1] 17/25 sound [1] 10/4 speak [1] 12/22 special [1] 23/5 specifically [1] 23/24 spend [1] 21/25 spoke [1] 12/7 stand [1] 11/14 start [7] 3/13 14/11 14/12 14/14 14/17 16/19 20/9 started [1] 20/9 state [3] 11/24 15/4 15/11 stated [1] 16/20 statement [8] 15/2 15/4 15/8 15/15 18/6 18/6 19/20 21/15 STATEMENTS [1] 2/7	under [5] 8/8 8/19 10/8 18/19 23/13 under -- she [1] 8/19 understand [7] 4/22 4/24 5/5 5/10 5/15 7/4 7/24 UNITED [10] 1/1 1/4 1/11 1/14 3/4 3/7 3/14 23/13 23/18 24/11 unpaid [1] 23/9 unreasonable [1] 24/3 up [8] 3/19 8/7 11/18 14/12 15/2 19/5 21/6 22/1 upon [6] 15/23 16/2 16/5 17/6 17/8 20/7 us [3] 3/7 17/7 17/25 use [1] 20/18	
<b>T</b>	<b>V</b>	
take [7] 6/23 7/2 9/10 9/25 15/5 19/14 19/22 taken [1] 9/7 taking [5] 9/4 9/19 9/22 9/25 19/10 taking -- what's [1] 9/4 talked [1] 13/11 tasks [1] 16/7 Taylor [1] 1/19 Telephone [4] 1/16 1/20 1/22 24/22 telling [1] 21/6 term [12] 3/24 4/13 4/25 5/12 5/12 7/15 7/17 10/20 10/24 11/3 22/2 22/4 term -- in [1] 5/12 terms [2] 5/7 20/23 testified [1] 11/21 TESTIMONY [1] 2/5 TEXAS [12] 1/2 1/5 1/15 1/16 1/18 1/19 1/22 3/5 15/14 24/15 24/16 24/20 than [2] 13/17 20/5 Thank [2] 18/1 18/2 that [143] that -- was [1] 13/12 that's [7] 6/21 15/9 15/19 17/1 19/17 20/12 23/8 That's -- I [1] 20/12 the -- a [1] 13/7 the -- basically [1] 13/7 the -- the [1] 7/5 them [2] 4/4 5/8 then [7] 4/4 7/13 15/24 16/7 19/10 21/4 23/5 theory [1] 13/14 there [2] 11/9 17/17 there's [2] 21/7 23/14 these [3] 3/7 5/17 17/5 they [5] 7/23 13/11 18/12 20/4 22/3 things [4] 4/20 17/5 19/10 19/21 think [7] 7/2 10/3 10/11 18/11 19/10 19/21 21/9 thinks [1] 6/18 this [18] 3/7 4/16 5/20 6/6 6/9 10/24 16/14 16/20 17/10 18/9 19/4 19/5 19/24 20/9 20/16 21/6 22/8 24/12	verbally [1] 16/8 versus [2] 1/6 3/14 very [11] 4/17 16/7 16/13 16/15 16/24 16/25 17/3 18/13 18/14 19/15 21/2 violated [3] 5/1 11/5 20/17 violating [1] 5/8 Violation [1] 4/1 violations [1] 20/22 violent [1] 16/13 virtue [1] 11/7 VOA [2] 15/24 16/5 VOLUME [1] 1/10 voluntary [2] 10/16 10/22	
	<b>W</b>	
	want [13] 11/8 12/13 13/4 14/21 14/24 15/3 15/4 16/21 18/20 19/14 20/9 20/9 20/24 wanting [1] 20/3 was [35] was -- that [1] 12/18 wasn't [2] 12/14 13/7 way [9] 6/20 14/4 14/24 17/17 18/5 18/24 21/1 21/15 22/10 we [9] 3/12 6/23 6/25 12/7 12/16 16/16 16/17 20/7 20/16 we'll [1] 23/5 we're [1] 12/1	

## W

we've [1] 17/7  
 weeks [1] 9/11  
 welcome [1] 17/13  
 well [11] 6/6 7/1 7/12 8/12 10/18 11/2  
 12/14 16/13 18/14 19/3 20/16  
 went [2] 20/16 21/1  
 were [9] 8/4 12/12 13/11 14/1 16/17  
 18/12 21/2 22/7 23/24  
 what [22] 3/21 4/22 6/3 6/8 6/8 7/4 7/10  
 7/12 7/13 8/11 10/4 10/6 11/12 14/6  
 14/13 14/16 17/14 19/15 19/22 20/12  
 21/5 22/20  
 what's [2] 6/22 9/4  
 whatever [3] 15/15 18/6 18/18  
 when [12] 6/10 8/4 8/24 9/10 9/25 13/10  
 13/10 13/11 17/5 20/6 21/5 22/2  
 When -- when [1] 13/10  
 where [3] 5/20 10/4 16/22  
 whether [5] 11/9 12/1 14/1 18/23 21/24  
 which [3] 6/24 7/7 7/8  
 who [4] 6/13 8/16 8/16 15/1  
 whole [2] 12/21 13/13  
 wholeheartedly [1] 12/20  
 wholeheartedly -- that [1] 12/20  
 Why [2] 3/19 15/11  
 will [10] 5/1 5/6 17/8 17/17 17/19 19/9  
 21/18 22/3 22/4 22/6  
 WILLIAM [8] 1/7 1/17 2/5 3/14 3/22  
 11/20 11/25 15/22  
 willing [2] 13/15 20/8  
 wish [1] 18/5  
 without [2] 17/23 23/21  
 witness [4] 11/17 14/19 15/1 15/6  
 won't [1] 19/5  
 word [2] 2/14 14/9  
 worked [1] 8/18  
 worker [1] 17/3  
 works [1] 8/19  
 world [1] 16/20  
 worse [3] 9/18 9/19 9/22  
 WORTH [8] 1/3 1/5 1/16 1/19 1/22 3/6  
 24/17 24/20  
 would [36]  
 wouldn't [2] 12/16 20/7  
 written [1] 15/18

## Y

yahoo.com [2] 1/23 24/23  
 ye [3] 3/4 3/4 3/4  
 yeah [1] 13/11  
 year [1] 8/6  
 years [10] 5/13 5/13 5/14 5/18 5/19 7/7  
 7/8 16/1 17/11 17/22  
 yes [40]  
 yet [1] 17/1  
 you [126]  
 you -- have [1] 9/7  
 you -- is [1] 12/18  
 you -- you [1] 7/20  
 you -- you're [1] 10/8  
 you'll [1] 5/11  
 you're [9] 7/10 7/16 7/24 9/5 9/25 10/4  
 10/5 10/8 23/17  
 you've [2] 8/16 8/17  
 your [67]  
 your -- you [1] 5/6  
 yourself [3] 5/11 7/16 7/24